

**Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
April 8, 2008 6:30 p.m.**

Mayor Lois called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Commissioners John Thate, John Lynch, Darrel Eisenhardt, Bob Henney, Bob Schulte and Town of Burlington Representative Phil Peterson. Commissioner Tom Vos was excused. Also present were: Aldermen Miller, Girolamo, Simenson & Prailes; City Administrator Kevin Lahner, Building Inspector / Zoning Administrator Patrick Scherrer and Mr. Patrick Meehan, Meehan and Company, Inc.

APPROVAL OF MINUTES

Commissioner Schulte moved and Commissioner Thate seconded to approve the minutes of March 11, 2008. All were in favor and the motion carried.

Citizen Comments – None.

PUBLIC HEARINGS

- A. A public hearing to consider a Conditional Use Application from KDK Development for property located at 1001 S. Pine Street to add an approximate 13,642 square foot, two-story addition to the existing residential building.**

Mayor Lois opened the public hearing at 6:30 p.m.

There were no comments.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:31 p.m.

OLD BUSINESS

None.

NEW BUSINESS

- 1. Consideration to approve a Site Plan application and Conditional Use application from KDK Development for property located at 1001 S. Pine Street to add an approximate 13,642 square foot, two-story addition to the existing residential building, subject to Kapur and Associates March 31, 2008 and Patrick Meehan's March 31, 2008 memorandums to the Plan Commission.**

Mayor Lois opened this issue for discussion.

Mr. John Klett, Zimmerman Architect Studios, gave a presentation to the Commission regarding the Pinebrook Point addition. He explained that the addition would add approximately 14 rooms to the facility and would be tied into the southwest wing of the building, while retaining the character building as a whole.

He stated that trees located where the addition will go will be moved and replanted. He also noted that the sidewalks would be extending to the courtyard for the residents. He further explained that 12 additional spaces would be added to the front parking lot. He asked if the requirement regarding the installation of curb and gutter could be changed to allow for the addition to have direct runoff and to match what currently exists on the site.

Commissioner Lynch questioned if another addition would be added. Mr. Klett stated that this addition would be the final one done for this property.

Mr. Patrick Meehan, Meehan & Company, Inc. stated that after reviewing the plans he had concern with the parking becoming tight in the lot once the addition is completed. He is asking that the developers show additional parking on the Site Plan in case there is a need for it in the future.

Commissioner Thate moved and Commissioner Henney seconded to approve a Site Plan application and Conditional Use application from KDK Development for property located at 1001 S. Pine Street to add an approximate 13,642 square foot, two-story addition to the existing residential building, subject to Kapur and Associates March 31, 2008 and Patrick Meehan's March 31, 2008 memorandums to the Plan Commission as follows:

- Permits from the Department of Commerce for water and sewer extensions must be provided to the City of Burlington once they are obtained.
- Specify the square footage the proposed building.
- The proposed and existing contour lines are very similar and lead to confusion when reviewing the grading plan of the proposed site. These two line types must be made distinct to clarify where the proposed contours tie into the existing contours.
- Comm. 82.35(2) specifies for building sewers 8" or larger in diameter, manholes must be provided at every change in direction of 45° or more. The sanitary lateral design should account for this specification.
- It is recommended the 90° bend in the 6" water service be avoided, possibly with two 45° bends.
- The pipe materials for the sanitary and water main service must be specified in the plan set.
- A minimum vertical clearance between the sanitary and water services must be specified in the plan view or addressed as a note.
- The parking lot layout does not currently conform to Burlington City Ordinance for stall size. The minimum required parking stall is 180 sq. ft. with a 9' by 20' stall as the standard. See Burlington Code 315-48. With the construction of the additional parking stalls the lot must be brought into conformance with city code.
- Handicap stalls must be displayed if any are located in the existing or proposed parking lot layout. Consideration of a new handicap stall may be necessary with the increase in parking demand.
- It is recommended that additional detail be supplemented with the parking computations. Eight of twelve of the new parking stalls are designated not for employees or residents but for "other". Who does this "other" category encompass?
- Curb & gutter is required for parking lots. Currently there is no curb or gutter located on the property including at the locations specified on the plans. In addition there are

portions of the existing asphalt that are in poor condition. At a minimum curb and gutter must be provided on the existing center island.

- The site grading plan does not provide any site grading information. A proposed grading plan must be provided showing the drainage patterns of the property. In addition the existing drainage patterns of the site should be provided. Currently the contours tie into nothing at the parking lot.
- Storm water management must be addressed. Chapter 270 of the Burlington city code has guidance for storm water management criteria.
- For the purposes of determining off-street parking requirements, group home uses or institutional residential uses require the provision of one (1) off-street parking space per bedroom (see Section 315-481, Table 5 of the Zoning Ordinance). Under these requirements, the 72-unit (assuming 1 bedroom per unit) assisted living use would require a minimum of 72 off-street parking spaces.
 - Based upon the above analysis, the proposed number of off-street parking spaces (a total of only 42 spaces) does not meet the above requirement. Pursuant to the requirements of Section 315-48(J) and in the case of conditional uses, parking spaces for conditional uses not listed in Table 5 must be provided in accordance with requirements designated by the Plan Commission upon recommendation of the City Planner and as may be required by the Common Council. The off-street parking and/or queuing provisions for a use which is deemed similar by the Plan Commission to a use not listed in Table 5 may be applied by the Plan Commission upon recommendation of the City Planner. In this respect, the applicant submitted additional data (letter from Zimmerman Architectural Studios, Inc. dated February 28, 2008 providing parking data) to the City pertaining to the current use of the parking lot on each of the three shifts in order to assure that adequate on-site parking is provided by the Site Plan as currently drawn. Based upon the data presented by the applicant, it appears that adequate off-street parking is provided by the proposed Site Plan. However, Meehan & Company, Inc. recommends that a revised Site Plan be submitted which graphically shows the potential accommodation
 - of additional off-street parking spaces should the City Plan Commission determine that a need exists and that additional spaces will be required. A revised Site Plan must be submitted prior to the City Building Inspector's issuance of a Building Permit.
- Section 315-48(B) requires that no off-street parking space be less than 9 feet in width and 180 square feet in area. The proposed Site Plan does not meet this requirement. The proposed parking stalls are proposed to be 9' x 18', or only 162 square feet in area, which does not meet the above stated requirements. Therefore, the Site Plan must be revised accordingly and a revised Site Plan submitted to the City staff for review for compliance.
- Section 315-48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a single row and aisle of 90-degree parking spaces needs to be a minimum of 45 feet in width and a double row and aisle of 90 degree parking spaces must be a minimum of 65 feet in width. The proposed Site

Plan does not meet this requirement for all rows and aisles of the off street parking indicated on the Site Plan. Therefore, the Site Plan must be revised accordingly and a revised Site Plan submitted to the City staff for review for compliance.

- Pursuant to the requirements of Section 315-48(F) of the Zoning Ordinance, concrete curb and gutter meeting City specifications must be provided all proposed off-street parking areas. Based upon the drawings submitted and field investigation by the City Building Inspector on March 28, 2008, there is no curb and gutter installed in the parking lot. Since the off-street parking lot is being expanded and changed, it is recommended that concrete curb and gutter be placed around all landscape island areas and at the parking lot entry area in order to meet these requirements. Therefore, the Site Plan must be revised accordingly and a revised Site Plan submitted to the City staff for review for compliance.
- All stormwater calculations must be submitted for City Engineer review.
- The Site Plan must indicate the total number of dwelling units for the existing development as well as the total number of dwelling units for the proposed addition. The Site Plan must be revised accordingly and a revised Site Plan submitted to the City staff for review for compliance.
- Any other issues raised by the City Administrator, City Engineer, and/or City Attorney.
- CBRF must build additional parking spaces if ordered by the City. Petitioner must submit a revised Site Plan that shows potential future parking area.
- Any changes in use must be approved by the City.
- State license for CBRF is required and must be maintained for the operation.
- Sign location must be approved by permit and cannot be located in the required vision triangle.
- Utilities connection, grading, and stormwater control approval must be approved by Burlington Public Works Director and City Engineer.
- Sanitary sewer connection must be to the developer constructed gravity sewer only.
- A fire lane in front must be maintained in the front of the building.
- Any expansion of the facility must be approved by the City.
- The fire hydrant must be extended to middle of access area.

All were in favor and the motion carried.

2. **Consideration to approve a Site Plan application from RexCon for property located at 2841 Whiting Road (Lot 10 in the Burlington Manufacturing and Office Park) to build the RexCon facility, subject to Kapur and Associates April 2, 2008 and Patrick Meehan's March 31, 2008 memorandums to the Plan Commission.**

Mayor Lois opened this issue for discussion.

Mr. Erin Cook, Landcraft Engineering, gave a presentation to the Commission regarding the Site Plat for RexCon. He explained that the Site Plan has been revised according the staff recommendations and the City codes. He further explained that the City Engineers, Kapur and Associates, Inc. have analyzed the run-off and wetlands to ensure that the run-off would not affect the property or the neighboring properties.

Mr. Meehan questioned if the elevation of the building and the concrete issues on the exterior of the building had been resolved. He noted that currently the plans state that a precast concrete that is non-decorative is to be used, which does not comply with the decorative concrete requirement of the M-3 district. Mr. Mike Redlin, owner of RexCon, stated that they intend to have the building match the other buildings in the park. He stated that they intend to have a color and texture finish on the building. Mayor Lois noted that the color & texture samples of the building must be brought to staff for review pursuant to the requirements of the M-3 district.

Commissioner Henney questioned if the radiuses of the approach on the south side were wide enough for the semi trucks. Mayor Lois stated that right now they are sized according to the City code but could be modified. Mr. Redlin stated that they would most likely modify them and widen those areas.

Commissioner Lynch moved and Commissioner Schulte seconded to approve a Site Plan application from RexCon for property located at 2841 Whiting Road (Lot 10 in the Burlington Manufacturing and Office Park) to build the RexCon facility, subject to the color & texture samples of the building being brought back to staff for review pursuant to the requirements of the M-3 district; Kapur and Associates

April 2, 2008 and Patrick Meehan's March 31, 2008 memorandums to the Plan Commission as follows:

Sheet C1:

- No location for a dumpster has been shown on the plan. Is all garbage collection to be interior?

Sheet C2:

- The grading on this sheet does not match the grading in the hydrology exhibit found in the storm water management report. Based on the hydrology exhibit, the grading on this sheet is incorrect, particularly at the ponds. The grading must be corrected on this sheet.
- Top of curb spot grades must be provided on the islands and at all PC and PT points along the proposed curb.
- The secondary drive entrance to the south should drain in to the site. In the event that the stormwater spillway overflows, we do not want the runoff entering Whiting Drive. The requested PC and PT grades must clarify this issue.
- The material of the future road must be clarified on the plan set. Is it going to remain natural at this time with a future provision for asphaltic improvement?

Sheet C3:

- Remove all 90 degree watermain bends, replace them with two 45 bends to reduce head loss.
- Plan and Profile sheets are required for the public watermain.
- Change the lead for Hydrant #7 to come off of the 8" mainline rather than the 6" service line.
- Specify hydrant lead lengths on the Plan & Profile sheets.
- The hydrant spacing at the rear exceeds 700' along the line. The City of Burlington requires a maximum hydrant spacing of 350' for new watermain.
- Station and offset should be provided along the watermain.
- Call out a 12" plug at end of the water main continuing west to the Schaefer property
- The invert elevation for valve #1 is illegible.
- Specify connection type and inverts at both watermain connections to the main in Whiting road.
- The 6" HDPE from catch basin #3 must be routed directly to STM2. Storm sewer cannot intersect without a manhole structure. Also there is typographical error in the grade.
- The watermain plan & profile must resolve the conflict between the 15" HDPE storm Sewer and 8" watermain along the north side of the building.

Sheet C4:

- The typical sections specify two different pavement sections. Which section is representative of the paved/recycled asphalt area? Is there a portion of the drive that is considered heavy duty? Is that the recycled area?
- The pond details and outlet structures do not match their respective designs per the Hydro CAD exhibits in the storm water management report. These details must be revised to conform to the designs found in the storm water management report.
- The rip rap detail calls for rip rap to be placed with FES 1 and FES 2. There is no FES 2 structure found on the utility sheet, C3. Three FES are shown with rip rap on the grading sheet, C2. The structures that require rip rap must be clarified in the table found in the rip rap detail and all information found in the table shall be verified for accuracy.

Sheet E-03:

- It appears this lighting plan is designed based on the original site layout. The site layout has since been revised and the parking lot layout and pond locations have shifted. The lighting plan must be redesigned for the updated site layout.
- The lighting plan requires a north arrow.

Sheet L1:

- The landscape plan requires a north arrow.
- Storm Water Management Report:
 - It appears either information is missing or a typographical error has occurred at the top of page 5 of 6 since the paragraph at the top of the page has no title above it and the first word is not capitalized.
 - The flow length of 630 feet for the existing conditions in Area EX-1 is incorrect when measured on the hydrology exhibit. The flow length was measured as approximately 790 feet. The extra distance will increase the time of concentration, thus reducing the runoff for all storm events.
HydroCAD models based on existing conditions shall be run with an accurate flow length in Area EX-1 for all storm events. The results for the revised existing conditions shall be compared to proposed conditions to ensure the site is in conformance. The flow lengths must also be displayed on the hydrology exhibit with the transformation from sheet flow to shallow concentrated flow clearly displayed.
 - The curve number used in the existing condition for the woods/grass combination has been modeled using a CN of 60. Per Tr-55, the standard curve number for this type cover is 58. Please use this number in your analysis.
 - A safety shelf is required for Pond 1 as specified by DNR Technical Standard 1001.
 - Pond 2 requires a minimum average 5 foot depth from bottom of pond to normal water elevation. A depth of 2 feet is required for sediment storage and a depth of 3 feet is required as the depth of the permanent pool. The grading of the pond shall be revised to obtain the extra depth. Grading below the safety can be increased to a 2:1 slope if necessary.
 - On page 4 of 6 in the storm water management report, it states that the bottom of the infiltration area is 0.5 feet above the normal water elevation. The normal water elevation is 782 but the elevation of the bottom of the infiltration area is called out as 781.5 in the pond 2 detail. The elevation for the bottom of the infiltration area needs clarification.
 - The infiltration portion of pond two (2) has been modeled using an infiltration rate of 10"/Hour. The limiting layer for the engineered infiltration basin consists of 3.5-4' of sand which has a permeability rate of 3.6" per hour. The sand is the limiting layer and therefore this value should be used for modeling the pond.
 - The water quality event uses a 1.6" rainfall intensity value. The Peak rainfall from the associated 1969 Milwaukee rainfall is 1.96". This must be update in the analysis.
 - The numbers in the "Total line" of the water quality table do not correspond to the areas. The percentage of removal however seems to be correct.

Soil Boring Report:

- Additional soil boring must be conducted. A boring is needed at the proposed location of pond 1. A minimum two (2) borings are required for an infiltration basin per DNR Technical Standard 1002.

Storm Water Report:

- The stormwater management exhibits to not match the proposed grading plan, the bottom of Pond 1 has at different elevations.
- The boring reports must be included with the final hydrology report. They are referenced in the Stormwater management plan and assumptions are made based on the boring logs.
- A recordable stormwater maintenance agreement must be provided and be in accordance with the standards set forth by NR 216. I have attached an example maintained agreement for reference.
- The existing drainage area (12.1 acres) and proposed drainage area (11.6 acres) are different. Please include the area between EX-1 and the wetlands as a second tributary area or as part of the area EX-1. This area must also be included in the proposed conditions as it is currently omitted.
- Please provide the input data with the SLAMM analysis. Under the file pull down in The SLAMM program you can save your input data.
- The SLAMM Analysis is required to be run using the date period set forth in NR 151.12. (1) B. The date range is 3/28/69 thru 12/06/69.
- It is unclear where the curve number of 88 has been derived from. I would recommend you use the appropriate number for impervious surface and grassed surface for each area and compute out the individual Curve Numbers. The ratio for the areas is most likely not 72% impervious for each one.
- The report specifies RCP outlet pipe while the details and associated manning's coefficients suggest PVC. Please clarify this.
- DNR technical standards for wet detention basins recommend a minimum 12" outlet pipe for all structures for maintenance. We would recommend that the 4" structure between pond 2 and the infiltration basin be upsized to an 8" at a minimum and consideration be given to size all outlet pipes to a 12" PVC structure.
- There is a Bio-Infiltration area designated on the plans near the Northwest corner. Please include this area in the Hydrocad analysis. Bio-Infiltration suggests an engineered media filter. Please provide details showing the design of this basin. The department of natural resources has free software called ReCarga for use in designing and modeling bio-infiltration basins.
- All of those drawings and materials submitted by the applicant as listed in this Memorandum as follows:

- "Sheet A1: Site Plan" drawing (1 Sheet) dated 3/18/08 as prepared by Monches Construction Co.
- "Sheet A2: Floor Plan" drawing (1 Sheet) dated 2/9/08 as prepared by Monches Construction Co.
- "Sheet A3: Office Floor Plan" drawing (1 Sheet) dated 2/9/08 as prepared by Monches Construction Co.
- "Sheet A4: Exterior Elevations" drawing (1 Sheet) dated 2/23/08 as prepared by Monches Construction Co.
- "Sheet C1: Site Plan" drawing (1 Sheet) dated revised 3/14/08 as prepared by Aaron E. Koch, P.E. and Monches Construction Co.
- "Sheet C2: Grading & E/C Plan" drawing (1 Sheet) dated revised 3/14/08 as prepared by Aaron E. Koch, P.E. and Monches Construction Co.
- "Sheet C3: Utility Plan" drawing (1 Sheet) dated revised 3/14/08 as prepared by Aaron E. Koch, P.E. and Monches Construction Co.
- "Sheet C4: Site Details" drawing (1 Sheet) dated revised 3/14/08 as prepared by Aaron E. Koch, P.E. and Monches Construction Co.
- "Sheet E-03: Proposed Outdoor Lighting Layout" drawing (1 Sheet) dated 3/12/08 as prepared by Werner Electric Supply.
- "Sheet L1: Landscape Plan" drawing (1 Sheet) dated 3/3/08 as prepared by Nelson Landscape, Inc.
- Spaulding Lighting "Cimarron Series" full cut-off luminaire data sheets (2 sheets, undated) and Devine Lighting "CPB131 Series Walkway/Driveway/Garden" bollard style full cut-off luminaires (2 sheets, undated).
- The Common Council amending Section 315-32(B) and Table 2 of the City Zoning Ordinance adding "Special Industry Machinery, Not Elsewhere Classified" (SIC No. 3559) as a permitted use in the M-3 District and amending the maximum height requirement in the M-3 District to 50 feet.
- A total of 209 off-street parking spaces must be provided. The proposed number of off-street parking spaces proposed by the "Site Plan"—only 109 spaces—does not meet the above requirements. Alternatively, Section 315-481, Table 5 of the Zoning Ordinance indicates that off-street parking for heavy industry can also be determined by the following formula:
 - 1 space per employee, plus 1 space per company vehicle, plus 1 space per 5,000 square feet for visitor parking, whichever is greater [when compared to per the 1,000 square feet of floor area method]. Based upon the foregoing, however and in addition to the calculations shown on Sheet C1 "Site Plan," the applicant must to supply the City (in writing) the assumptions upon which the applicant based its off-street parking needs for each of the uses to be housed in the proposed building shown on the submitted Site Plan. Under the provisions of Section 315-48(J) of the City Zoning Ordinance, parking spaces for permitted uses not listed in Table 5 shall be provided in accordance with

requirements designated by the Plan Commission upon recommendation of the City Planner. [It is also important to note that a significant amount of space is available both south of the proposed off-street parking lot and in the rear of the building to accommodate almost any potential overflow demands for additional off-street parking.]

- Section 315- 48(D)(5) of the City Zoning Ordinance requires that in parking lots serving 10 vehicles or more, landscape areas shall total not less than 5 percent of the surfaced off-street parking area(inclusive of both parking stalls and associated drives) and that perimeter landscaped areas adjacent to the off-street parking lot shall not be included in the aforementioned required 5 percent. These requirements appear to have been met by the proposed Site Plan since a total of 6.2 percent has been provided in the off-street parking lot. In addition, Section 315-48(D)(5) also requires that: "Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) of off-street parking spaces (or fraction thereof) within the interior of the off-street parking area." Based upon the provision of 109 total off-street parking spaces for the proposed uses, a minimum total of eight (8) canopy trees needs to be placed within the interior of the off-street parking areas of the proposed development (i.e., the landscape island areas). It appears that a total of only 4 canopy trees have been proposed in the interior portion of the parking lot area. An additional 4 canopy trees are required to be planted in these landscape island areas and a revised Landscape Plan submitted to the City for City staff review for compliance.
- Sections 315-48(D)(6)(b) and 315-52(H)(12) of the City Zoning Ordinance require that all landscape plant materials planted as either parking lot landscaping or as required bufferyards meet or exceed the minimum plant material size standards set forth in Section 315-48(D)(6)(b) of the City Zoning Ordinance at time of installation. The minimum size required for canopy trees required to be planted in the required landscape island areas of parking lots is 3-inch caliper. The proposed "Sheet L1: Landscape Plan" drawing (1 Sheet) dated 3/3/08 as prepared by Nelson Landscape, Inc. indicates that these trees would be from 2.5" to 3" caliper. Therefore, the proposed Landscape Plan must be corrected relative to the 3" caliper minimum size required for canopy trees required to be planted in the required landscape island areas of parking lots and a revised Landscape Plan submitted to the City for City staff review for compliance.
- Sections 315-137(25) and 315-32(L) of the City Zoning Ordinance indicate, in part, that a Lighting Plan meeting the following requirements must be submitted with the "Site Plan." The materials submitted by the applicant meet these requirements except as follows:
 - A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire must be submitted to City staff for review for compliance.
- The plot plan, drawn to a recognized engineering or architectural scale, must indicate the mounting and/or installation height in feet on the drawing. Since this is not indicated on the lighting plot plan drawing, a revised plot plan drawing must be submitted to the City staff for review for compliance. [Note: With respect to this requirement, exterior lighting in the M-3 District shall be as follows:
 - Requirements for the use of no cutoff-type luminaires. When a light source or luminaire has a no cutoff-type luminaire, the maximum permitted illumination shall be 0.30 footcandle and the maximum permitted luminaire height shall be 25

feet. (Note: This standard does not address illumination levels or fixture height which may be required by the City of Burlington for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property.) Based upon the above, it is recommended that the Plan Commission specifically review and determine if the extensive use of "Precast (Concrete) Panel" with no decorative elements along the east elevation of the building (as proposed by the applicant) meets the above standard which specifically prohibits the use of plain concrete as a building material for exterior building facades facing a public street right-of-way (such as Whiting Road).

- The proposed building plans and Site Plan do not appear to address how garbage is to be handled on sites in cenotrash/ garbage locations are indicated on either the building plans or Site Plan. Any outdoor trash and garbage receptacle enclosures must be identified on the Site Plan and a revised Site Plan submitted to the City. If waste is to be fully enclosed within the proposed building, then a note indicating this needs to be placed upon a revised Site Plan submitted to the City. All of the requirements of Section 315-32(l) of the City Zoning Ordinance must be met.
- That the Plan Commission specifically review and determine if the extensive use of "Precast (Concrete) Panel" with no decorative elements along the east elevation of the building (as proposed by the applicant) facing Whiting Road meets the standard which specifically prohibits the use of plain concrete as a building material for exterior building facades facing a public street right-of-way (such as Whiting Road). If the Plan Commission deems that the proposed east elevation of the proposed building does not meet the requirements of Section 315-32(M)(1)(f), then a revised east elevation must be submitted to the Plan Commission for further review prior to the issuance of a Building Permit for said building.
- Any other conditions required by the City Administrator, City Departments, City Attorney, and/or City Engineer.

All were in favor and the motion carried.

3. Consideration to approve a Site Plan application from Gries Architectural Group, Inc. for property located at 1008 Milwaukee Avenue (adjacent to Kohls) to build a Pick & Save grocery store, subject to Kapur and Associates March 31, 2008 and Patrick Meehan's March 31, 2008 memorandums to the Plan Commission.

Mayor Lois opened this issue for discussion.

Mr. Curt Mauer, PBJC Holding, LLC, gave a presentation to the Commission regarding the Site Plan for the a Pick and Save store. He explained to the Commission that this issue is basically the same as what was previously presented in the Fall with minor modifications. He stated a very minor change is that the area of land that was being purchased from the City (former City landfill) shrunk slightly. He also noted that this building would be Phase 2 of the Kohls development with the building size being approximately 50,000 square feet.

Commissioner Lynch questioned if this building would be directly adjacent to Kohls. Mr. Mauer stated that it would be about a foot space between them.

Commissioner Henney questioned if the truck access would be the same as Kohls, as he felt that the turning radius seems tight. Mr. Mauer stated that the access would be the same and the radius has been analyzed. He noted that they could eliminate some extra parking spots to accommodate the radius more effectively.

Commissioner Henney moved and Commissioner Lynch seconded to approve a Site Plan application from Gries Architectural Group, Inc. for property located at 1008 Milwaukee Avenue (adjacent to Kohls) to build a Pick & Save grocery store, subject to Kapur and Associates March 31, 2008 and Patrick Meehan's March 31, 2008 memorandums to the Plan Commission as follows:

- Per a telephone conference call with Mike Kohlbeck of McMahon and Associates and Tom Foht, City Engineer. The proposed site plan for Pick' N Save is not the Final plan. Pick' N Save is in the process of supplying or confirming the layout.
- Complete Utility plans are required for the Phase II Portion of the Development, along with grading plans, updated stormwater plan, etc and all modification's to the originally submitted Kohl's Plans.
- Copies of all permits must be submitted to the City Engineer, including the public watermain extension, and the associated landfill permits.
- **That the Plan Commission approve the proposed Site Plan, Landscape Plan, and Lighting Plan for the Phase 2 portion of the subject property subject to:**
 - The drawings and documents submitted by the applicant and enumerated in this memorandum as follows:
 - "Sheet C-S: Cover Sheet" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet A 0.1: Overall Site Plan (Kohl's w/Adjacent Pick 'n Save Store)" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet A 0.2: Site Details" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet L 0.1: Landscape Plan" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet LP 0.1: Lighting Plan (Photometrics)" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet A 4.1A: Proposed Sign Elevations" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - Ten (10) Sheets of lighting data including data on the Lithonia Lighting KVF and KVF2 arm-mounted "Vertical Cutoff" luminaire (5 Sheets); Lithonia Lighting "Square Straight Steel" post/pole (2 Sheets); Lithonia Lighting TWRS "Cast Wall Packs, Glass Reflector" and TWR1S "Full Cutoff Wall Packs" (3 Sheets), undated.
 - Any issues raised by the City Engineer or City Attorney.

- The Certified Survey Map which creates two lots--Lot 1 at 10.530 acres and Lot 2 at 6.295 acres--(five (5) sheets as prepared by David M. Schmalz, RLS of McMahon Associates, dated revised 12/21/07 and revised 2/13/08) was approved by Common Council Resolution No. 4203(98) and adopted by the Common Council on February 5, 2008 and must be recorded at the Office of the Racine County Register of Deeds prior to the issuance of a Building Permit for proposed Lots 1 and 2.
- In order to construct the Phase 2, one-story, 47,150+/- square-foot Pick 'n Save food store on proposed Lot 1, additional land (about 0.66 acre) currently owned by the City of Burlington located south of the proposed building site must be purchased from the City by the applicant and consolidated with proposed Lot 1. The applicant must accomplish a land consolidation pursuant to the definition of a "Land Consolidation" under Section 315-140 of the City Zoning Ordinance as follows:
 - "LAND CONSOLIDATION — The combining of two or more separate existing parcels of land or existing lots, or portions thereof, through the act or process of the combination of tax key numbers, lot line adjustment, the exchange of property between abutting property owners, subdivision platted, certified survey map, or condominium platting. [Added 11-19-2002 by Ord. No. 1702(16)]" The land consolidation will need to take place prior to the City's issuance of a Building Permit for the Phase 2, one-story, 47,150+/- square-foot Pick 'n Save food store on proposed Lot 1. [Note: As indicated earlier in this memorandum, based upon discussion with City staff on March 18, 2008, it is the understanding that said Certified Survey Map was approved by Common Council Resolution No. 4203(98) adopted by the Common Council on February 5, 2008 and had not yet been recorded.]
- Based upon discussions with the office of the City Attorney on February 11, 2008, it is the understanding of Meehan & Company, Inc. that cross access and shared off-street parking easements must be prepared to cover all portions of the subject property in order to assure that all off street parking and vehicular access drives will be available to all property owners. Said cross access and shared off-street parking easements must be prepared by the applicant, reviewed by the City Attorney, and recorded at the Racine County Register of Deeds.
- In addition, Section 315-48(D)(5) also requires that: "Canopy trees must be provided at the rate of one (1) tree for each fifteen (15) of off-street parking spaces (or fraction thereof) within the interior of the off-street parking area." Based upon the provision of 773 total off-street parking spaces for the proposed uses (Phases 1, 2, and 3 of the PUD), a minimum total of 52 canopy trees must be placed within the interior of the off-street parking areas of the proposed development (i.e., the landscape island areas). It appears that a total of 46 canopy trees have been proposed. However, an additional total of 33 under story deciduous trees (1.5" diameter) are also proposed for the proposed landscape island areas as well as a variety of other planting materials (evergreen trees, shrubs, and perennials); therefore, the intent of this requirement is met through plant material substitution for the 6 missing canopy trees. It is recommended that this deviation be approved by the City.

- Section 315-26(D)(34) of the City Zoning Ordinance sets forth the conditions which must be met for the "Outdoor Display of Merchandise" conditional use aspects of the outdoor display of merchandise.
- Sales and display areas are not storage areas. Storage areas are regulated separately by City Code (see below). No outdoor display of merchandise is indicated on the various plans submitted by the applicant. However, if such outdoor display of merchandise is proposed in the future, it must be compliant with the provisions of Section 315-26(D)(34) of the City Zoning Ordinance as well as all other applicable provisions of a conditional use.
- Section 315-26(N) of the City Zoning Ordinance sets forth a number of requirements for outdoor storage. The requirements of Section 315-26(N)(1) of the City Zoning Ordinance indicate that no outdoor storage area shall exceed an area which is 5% of the gross floor area of the principal structure to which said outdoor storage is accessory or 5,000 square feet, whichever is less. No outdoor storage area is indicated on the various plans submitted by the applicant. However, if such outdoor storage area is proposed in the future, it must be compliant with the provisions of Section 315-26(N) of the City Zoning Ordinance.
- Section 215-26(O) of the City Zoning Ordinance indicates the various requirements regarding trash dumpsters and outdoor trash storage. Based upon the application materials submitted by the applicant, it appears that the Phase 2 Pick' n Save Store building will not have outdoor trash storage since no outdoor trash areas to serve the proposed building are indicated on the plans submitted. Therefore, based upon the plans submitted, Meehan & Company, Inc. assumes that all trash must be stored indoors within the building. "Sheet A 0.1: Overall Site Plan" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group and "Sheet A 0.2: Site Details" also dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group indicate the location and design of the proposed outdoor storage for the Phase 3; 19,342 square-foot retail building. In addition, all trash dumpsters and garbage storage must meet the various requirements of Section 215-26(O) of the Zoning Ordinance.
- Architectural Plans, elevations, and perspective drawings and sketches illustrating the design, character, and materials must be submitted to the City. [Note: The applicant submitted two different sets of elevations for the various building elevations and it is not clear which set is to be used for the Burlington store nor is the architectural intent clear for the proposed Burlington store.]
- The PUD Planned Unit Development must also be subject to all of the terms of the "Development Agreement for a Planned Unit Development" with PBJC Burlington, LLC which was formally approved by the City on February 18, 2008.
- Section 315-46(B) requires in order to provide adequate vision clearance, no obstructions (such as signs) will be permitted in the required triangular vision clearance space as follows: "In the B-1, B-3 and B-4 Zoning Districts only, within the triangular vision clearance space located between the heights of 2.5 feet and 10 feet above the plane through the mean edge of pavement grades and formed by any existing or proposed private drives and/or arterial and/or collector streets intersecting with other arterial and/or collector streets,

the corner cutoff distances establishing the triangular vision clearance space shall be increased to 60 feet from the intersecting private drive and/or arterial and/or collector

- street right-of-way lines and a line joining the two points on such lines or as determined by using the standards set forth under the latest edition of the sight distance portion of Chapter IX of the American Association of State Highway and Transportation Officials (AASHTO) publication titled "A Policy on Geometric Design of Highways and Streets," whichever is greater, as determined by the review of the City Engineer." It is recommended that the submitted plans be reviewed by the City Engineer for compliance with the above requirement of Section 315-46(B) of the City Zoning Ordinance. In addition, one of the City's requirements for both of the proposed freestanding sign structures, as described earlier in this memorandum, was that these two freestanding signs must have a minimum setback of 10 feet from the Milwaukee Avenue property line and the southernmost freestanding sign shall be located at least 20 feet from the nearest point of the curb of the neighboring private drive. This condition appears to be met by the proposed sign placement.
- The Common Council's approval of the PUD Planned Unit Development District Detailed Plans and Comprehensive Signage Plan for the proposed Phase 2 portion of the development.
- That pursuant to the provisions of Section 315-43(H)(2)(a)(3) of the PUD District which allows for the City to consider the applicant's proposed departures from the standards of development as set forth in the City zoning regulations that departures to the Zoning Ordinance be granted by the Common Council as set forth under numbered item 3h2 of this memorandum.
- The submission to the Plan Commission for review, the architectural plans required under the provisions of Section 315-137(C)(24) of the City Zoning Ordinance for the buildings proposed for Phase 2 of the development prior to the issuance of a Building Permit for Phase 2.
- The future submission to the Plan Commission for review and consideration for approval, all of those plans and documents required under the provisions of Sections 315-43(K)(2), 315-137(C), and 315-138 of the City Zoning Ordinance for the Phase 4 development area of the subject property prior to the issuance of a Building Permit for Phase 4 of the subject PUD District.
- **That the Plan Commission recommend to the Common Council the approval of the PUD Planned Unit Development District Detailed Plans and Comprehensive Signage Plan for the Phase 2 portion of the subject property (excluding the Phase 4 area of the subject property) subject to:**
 - The drawings and documents submitted by the applicant as follows:
 - "Sheet C-S: Cover Sheet" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet A 0.1: Overall Site Plan (Kohl's w/Adjacent Pick 'n Save Store)" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.

- "Sheet A 0.2: Site Details" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet L 0.1: Landscape Plan" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet LP 0.1: Lighting Plan (Photometrics)" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - "Sheet A 4.1A: Proposed Sign Elevations" dated revised 3/18/08 as prepared by McMahon Associates and Gries Architectural Group.
 - Ten (10) Sheets of lighting data including data on the Lithonia Lighting KVF and KVF2 arm-mounted "Vertical Cutoff" luminaire (5 Sheets); Lithonia Lighting "Square Straight Steel" post/pole (2 Sheets); Lithonia Lighting TWRS "Cast Wall Packs, Glass Reflector" and TWR1S "Full Cutoff Wall Packs" (3 Sheets), undated.
- Any issues raised by the City Engineer or City Attorney.
 - That pursuant to the provisions of Section 315-43(H)(2)(a)(3) of the PUD District which allows for the City to consider the applicant's proposed departures from the standards of development as set forth in the City zoning regulations that departures to the Zoning Ordinance be granted by the Common Council as set forth under numbered item 3h2 of this memorandum.
 - The submission to the City Building Inspector of the architectural plans required under the provisions of Section 315-137(C)(24) of the City Zoning Ordinance for the buildings proposed for Phase 2 of the development prior to the issuance of a Building Permit for Phase 2.
 - The future submission to the Plan Commission and Common Council for review and consideration for approval, all of those plans and documents required under the provisions of Sections 315-43(K)(2), 315-137(C), and 315-138 of the City Zoning Ordinance for the Phase 4 development area of the subject property prior to the issuance of a Building Permit for Phase 4 of the subject PUD District.
 - As additional phases of the total PUD development are advanced by the applicant, additional signage plans for each phase will need to be brought before the City following the PUD processes outlined in the City Zoning Ordinance.

All were in favor and the motion carried.

- 4. Consideration to recommend approval of a Rezone application from Gries Architectural Group, Inc. for the former city landfill parcel purchased for the development of Pick & Save. The applicant is requesting to rezone this parcel from M-1, General Manufacturing District to B-1/PUD District, Neighborhood Business District with a Planned Unit Development Overlay.**

Mayor Lois opened this issue for discussion.

There were no comments.

Commissioner Schulte moved and Commissioner Eisenhardt seconded to recommend approval of a Rezone application to the Common Council from Gries Architectural Group, Inc. for the former city landfill parcel purchased for the development of Pick & Save. The applicant is requesting to rezone this parcel from M-1, General Manufacturing District to B-1/PUD District, Neighborhood Business District with a Planned Unit Development Overlay.

All were in favor and the motion carried.

OTHER MATTERS

Mayor Lois stated that this would be his last meeting as Mayor and wanted to thank all of the Commissioners and encouraged them to continue their excellent work.

Commissioner Lynch questioned what would happen to the current Pick and Save store and what affect would that have on the City. Mayor Lois stated that there are businesses currently looking to locate at the site.

Commissioner Henney questioned the status of the K-mart easement in conjunction with the Kohl's project. Mayor Lois stated that negotiations are underway for a Reciprocal Agreement.

ADJOURNMENT

Commissioner Henney moved and Commissioner Thate seconded to adjourn the meeting at 7:01 p.m. All were in favor and the motion carried.

Adjourned at 7:01 p.m.
Recording Secretary – Angela M. Hansen